

REMARKS AND DISCUSSION

Upon entry of the present Amendment-G, the claims pending in the present application are claims 1, 5-14 and 21, of which claim 1 is independent. Claims 1 and 21 have been amended by the present Amendment-G. Claims 16 and 20 have been canceled without prejudice and without dedication or abandonment of the subject matter thereof.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment-G is submitted. It is contended that by the present Amendment-G, all bases of objections and rejections set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the objections and rejections is respectfully requested.

Amendments Presented

In the Claims: Claim 1 has been amended by incorporating subject matter of claim 16 (now canceled), i.e., by specifying that the motorcycle includes a saddle-ride seat and a steering handle; and that the element is disposed near the steering handle of the motorcycle. Claim 1 has further been amended by specifying that the motorcycle includes a speedometer, a fuel gauge, an odometer, left and right turn indicators, and an ignition indicator, all arranged in the meter panel; and that the motorcycle is configured and arranged such that when a current mileage reading is registered at maintenance or repair of the motorcycle, a presence or absence of an odometer reset due to rolling back of the odometer can be checked for.

Claim 21 has been amended by specifying that the IC tag equipped motorcycle further includes a management system, that the management system includes a host server and a terminal, that the host server and the terminal communicating with each other via a network; and that a database being connected to the host server, and being operable to manage tag information on the IC tag.

Applicant respectfully submits that the above amendments to the claims are fully supported by the original disclosure including the drawings. Applicant also respectfully submits that no new matter is introduced into the application by amending the claims, since the entire subject matter thereof was expressly or inherently disclosed in the original claims, specification and the drawings.

For example, amendments to claim 1 are fully supported by the originally filed disclosure provided at paragraph [0058] of the specification specifying that, “.....A speedometer 32, a fuel gauge 33, an odometer 34, left and right turn indicators 35L and 35R, and an ignition indicator 36 are arranged in the meter panel 31.....”; and at paragraph [0064] of the specification specifying that, “.....When a mileage is registered at maintenance or repair, the presence or absence of meter reset due to rolling back the odometer can be checked for.....”

Claim Rejections – 35 USC §112

In the Office Action (page 2, item 3), the Examiner rejected claim 20 under 35 USC §112, first paragraph.

Applicant's response:

As stated above, applicant has canceled claim 20, herein.

Claim Rejections – 35 USC §103

1. In the Office Action (page 2, item 4), the Examiner rejected claims 1, 5-6, 16 and 20-21 under 35 USC §103(a) as being unpatentable over Tamai et al. (US 7,031,946) in view of Vock et al. (US 2003-0163287) or Takashima (US 6,352,045).
2. In the Office Action (page 6, item 5), the Examiner rejected claims 7-14 under 35 USC §103(a) as being unpatentable over Tamai in view of Rai (US 6,222,463) or Teraura (US 6,873,259).

Applicant's Response:

As stated above, applicant has amended claims 1 and 21, herein. Upon careful consideration and in light of the above amendments, applicant respectfully traverses such rejection for the reasons as provided in previously filed Amendment-B of June 18, 2008, Amendment-C of November 6, 2008, and Amendment-F of November 17, 2009, and for the reasons that the applied references, considered either singly or in combination, fail to disclose several required features of the claimed invention as discussed below.

I. The Standard for Obviousness

The U.S. Supreme Court has recently held, “[A] patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art. . . . Inventions usually rely upon building blocks long since uncovered, and claimed discoveries almost necessarily will be combinations of what, in some sense, is already known. *KSR v. Teleflex*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (S.Ct.2007).

In this regard, the Examiner must provide a valid reason why he or she feels that it would be obvious to combine the elements of the cited references in the fashion claimed by applicant. “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (*In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) cited with approval in *KSR v. Teleflex*, *supra*.)

The U.S. Supreme Court has also stated that a factfinder should be aware of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning. See *Graham*, 383 U. S., at 36 (warning against a “temptation to read into the prior art the teachings of the invention in issue” and instructing courts to “guard against slipping into the use of hindsight”. *KSR v. Teleflex*, *supra*.)

Applicant respectfully submits that the Examiner has not provided a convincing or persuasive reason, why it would be appropriate to combine teachings of the references in the manner suggested by the Examiner, and respectfully points out that even if the references are hypothetically combined, for the sake of argument, such hypothetical combination(s) fail to achieve applicant's invention as claimed.

Applicant respectfully submits that the differences between the claimed invention and the cited references are substantial and significant, and therefore, applicant's invention is non-obvious as compared to the respective teachings of one or more of the applied references.

II. Amendments to Independent Claim 1

Although, as discussed above, applicant respectfully disagrees with the Examiner rejection of claims, in order further define the claimed invention over the applied references and to expedite the prosecution of the present application, applicant has amended claim 1, herein.

Specifically, claim 1 has been amended by specifying that the motorcycle includes a saddle-ride seat and a steering handle; that the element is disposed near the steering handle of the motorcycle; that the motorcycle includes a speedometer, a fuel gauge, an odometer, left and right turn indicators, and an ignition indicator, all arranged in the meter panel; and that the motorcycle is configured and arranged such that when a current mileage reading is registered at maintenance or repair of the motorcycle, a presence or absence of an odometer reset due to rolling back of the odometer can be checked for.

In this regard, applicant respectfully submits that, since a current mileage reading of the vehicle is registered at maintenance or repair in the IC tag which is installed on a back surface of the meter panel, falsification of the odometer reading (e.g., rolling back or resetting of the odometer) can be checked for, which possibly could discourage falsification/manipulation of the odometer.

Applicant respectfully none of the applied references disclose such a preventive measure for preventing falsification/resetting of the odometer reading. That is, the applied references, considered either singly or in combination, fail to disclose the claimed invention, as recited in amended claim 1. Also, the applied references, considered either singly or in combination, fail to disclose the claimed invention as recited in each of claims 5-14 and 21 for the reasons provided in relation to claim 1, herein.

For all of the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 5-14 and 21 under 35 USC § 103.

Response to the Examiner's Response

In the Office Action (pages 6-7, item 7), the Examiner has provided her response to the arguments presented in the previously filed Amendment-F of November 17, 2009. According to the Examiner's interpretation, Tamai teaches attaching an IC tag to a motorcycle under a logo or inside a product for not being noticeable (col. 34, lines 2-18; col. 31, lines 46-53); and Vock et al. teaches integrating the IC tag with vehicle electronics (which include speedometer, tachometer, etc.) inside a vehicle body (Fig. 43, paragraphs 312-313) or, inserting the IC tag in a meter box (MMD, accelerometer, speedometer) and attaching the box to any place of choice in the vehicle (bicycle, motorcycle; Figs. 21, 41 and 43; paragraph 273) to protect the IC tag from being damage.

Further, according to the Examiner's interpretation since both references teach attaching the IC tag to any type of vehicle including motorcycle for tracking purpose, in her view, the combination is proper. Also, in the Examiner's view, Tamai teaches attaching an IC tag to a product of manufacturing for lifecycle management; Rai teaches attaching electronic tag to vehicle for tracking and updating record for management purposes; and Teraura teaches attaching an RFID tag to a product for life cycle management. According to the Examiner's interpretation, therefore, the combination of the applied references is proper.

Applicant's Response:

Applicant respectfully disagree with the Examiner's such response to the arguments presented in the Amendment-F of November 17, 2009, because the Examiner's continued reliance upon the combination of such references to allegedly make the claimed invention obvious is entirely based on the Examiner's use of impermissible hindsight (guided by the applicant's own disclosure), rather than any teaching that can be fairly gleaned from the references themselves.

For example, in relation to the Examiner's assertion that Tamai teaches attaching an IC tag under a logo or inside a product for not being noticeable from the outside, applicant respectfully submits that such disclosure fails to provide the motivation for arranging the IC tag within the meter panel of a vehicle for the purpose as recited in the present invention, i.e., that providing the IC tag in the meter panel will protect the IC tag from the harsh environmental effects. Rather, Tamai teaches that the tag is placed in such a position to prevent the appearance of the product from being ruined.

Further in relation to the Examiner's assertion that Vock teaches integrating the IC tag within a vehicle (motorcycle) car electronics (speedometer / tachometer), applicant respectfully submits that Vock fails to provide sufficient motivation for combining the teachings thereof with the disclosure of Tamai. Also, Vock fails to teach that such placement of the IC tag within the vehicle electronics is for protection against damage of the IC tag.

Thus, although the Tamai and Vock teach attaching an IC tag to a product (vehicle), the Examiner's hypothetically proposed combination fails to teach that the case of the meter unit is configured to protect said IC tag from wind, rain and dust without interrupting electromagnetic waves transmitted/received by said IC tag; and the back surface of the meter panel is configured to protect said IC tag from ultraviolet light and heat without interrupting electromagnetic waves transmitted/received by said IC tag, as required by the claimed invention (e.g., claim 1).

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination. Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

A Request for Continued Examination is being concurrently filed herewith and the fee (\$810) for the same is being paid online via EFS-Web.

If the Examiner is not fully convinced of the allowability of all of claims now in the application, or feels that the prosecution of the application could be advanced by a telephone discussion, applicant respectfully requests that he telephonically contact applicant's undersigned representative to expeditiously resolve any issues remaining in the prosecution of the application.

Favorable reconsideration is respectfully requested.

Respectfully submitted,



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WDB/fs